

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

ROBERT L. MACKEY,

Petitioner,

vs.

TIM BRUNSMAN, WARDEN,
LEBANON CORRECTIONAL
INSTITUTION,

Respondent.

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Case No. 3:09-CV-255

:

JUDGE WALTER HERBERT RICE

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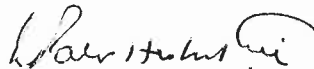
OPINION ADOPTING REPORT AND RECOMMENDATIONS OF THE
UNITED STATES MAGISTRATE JUDGE (DOC. #13) IN THEIR
ENTIRETY, WITH ADDITIONAL REASONING SET FORTH;
RESPONDENT'S MOTION TO DISMISS HABEAS PETITION (DOC. #4)
SUSTAINED; EXPANDED OPINION TO FOLLOW; THIS OPINION IS
NOT A FINAL, APPEALABLE JUDGMENT ENTRY; DIRECTIVE TO
CLERK OF COURT'S OFFICE

Based upon reasoning and citations of authority to be filed by this Court, in the nature of an expanded opinion not later than 30 days from date, this Court adopts the Report and Recommendations of the United States Magistrate Judge (Doc. #13), with additional reasoning to be set forth therein and, in so doing, sustains the Respondent's Motion to Dismiss the within habeas petition (Doc. #4).

This opinion is not intended to be a final, appealable Entry of Judgment. The

Clerk of Court's Office is directed not to enter final judgment based upon this opinion.

September 28, 2010



WALTER HERBERT RICE
UNITED STATES DISTRICT JUDGE

Copies to:

Counsel of record.